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13 Apple Inc.

14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION
18

19 COREPHOTONICS, LTD.,
20 Plaintiff,
21 v.
22 APPLE INC.,
23 Defendant.
24

Case No. 5:17-cv-06457-LHK (lead case)
Case No. 5:18-cv-02555-LHK

**APPLE'S SECOND NOTICE OF *INTER*
PARTES REVIEW INSTITUTION AND
REQUEST FOR STATUS
CONFERENCE**

DEMAND FOR JURY TRIAL

1 Defendant Apple Inc. (“Apple”) hereby respectfully provides further notice that the Patent
2 Trial and Appeal Board (“PTAB”) has instituted *inter partes* review (“IPR”) of all of the claims of
3 U.S. Patent No. 9,568,712 that have been asserted by Plaintiff Corephotonics, Ltd. (“Corephotonics”)
4 in this case on all of the grounds raised in Apple’s petition. A copy of the PTAB’s institution decision
5 is submitted as Exhibit A. Apple further respectfully requests a status conference as discussed further
6 below.

7 Apple previously notified the Court in Dkt. 97 that the PTAB also recently instituted IPR on
8 all asserted claims of two other patents-in-suit. Therefore, IPR proceedings are now underway on all
9 asserted claims of three of the five patents-in-suit. The remaining two patents-in-suit are both closely
10 related to the patents upon which IPR has been instituted. IPR petitions are pending against all asserted
11 claims of those two remaining patents-in-suit, which rely upon prior art that substantially overlaps
12 with the prior art relied upon in the instituted IPRs.

13 The undersigned has conferred with counsel for Corephotonics, who refused to confirm that
14 Corephotonics will not file a motion to amend the challenged claims in the IPR proceedings. *See* Ex.
15 B. By rule, if Corephotonics were to amend the claims that are asserted in this litigation – which are
16 the subject of this Court’s *Markman* proceedings currently set for hearing on January 17, 2019 – those
17 claims would be canceled or replaced by new claims. *See* 37 C.F.R. § 41.121(a)(3). Corephotonics’
18 deadlines to file motions to amend claims in the three instituted IPRs are in March 2019, after this
19 Court’s currently scheduled *Markman* hearing.

20 Under these circumstances, Apple respectfully requests that the Court convene a status
21 conference to discuss the impact of the pending IPR proceedings, including potential claim
22 amendments, on the immediately upcoming *Markman* hearing in one month and the case schedule.
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1 Dated: December 11, 2018

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